

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Masaaki NISHIKIORI et al.

Serial No. 09/738,285

Group Art Unit: 3691

Confirmation No. 2128

Filed: December 18, 2000

Examiner: Akintola, Olabode

For: INFORMATION MEDIATING APPARATUS AND METHOD AND STORAGE MEDIUM
STORING INFORMATION MEDIATING PROGRAM THEREIN

SECOND RENEWED
REQUEST FOR REFUND TO DEPOSIT ACCOUNT
DUE TO PTO DELAY

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The following is a resubmission of a Renewed Request for Refund as submitted on June 12, 2006 because no response to the Request has been received at the office of the undersigned from the U.S. Patent and Trademark Office.

On December 7, 2005, an Office Action was issued in this application. Applicants timely responded to the Action by filing an Amendment After Final Rejection on March 7, 2006. It is submitted that the final rejection was not proper as set forth in the Petition Requesting Withdrawal of Finality of Final Rejection filed March 7, 2006.

There was no communication received from the United States Patent and Trademark Office by the fully-extended Notice of Appeal due date of June 7, 2006. Thus, Applicants were forced by the USPTO delay to file an RCE (including filing fees of \$790.00, and extension of time fees of \$1020.00) on June 6, 2006 to keep the application pending.

On June 9, 2006, Examiner Vincent Millin telephoned to inquire about receipt of an Interview Summary, which has never been received. The Examiner stated that the "finality" of the December 7, 2005 Action had been withdrawn, and that he would forward a copy of the Interview Summary on Monday, June 12, 2006 stating same, which again was not received. The only communication received from the U.S. Patent and Trademark Office, the time period during

which the Office Action was the only document received, was the non-final Office Action mailed on October 23, 2006 indicating that the finality of the previous office action was reversed.


The delay from the Examiner of the withdrawal of finality in the October 23, 2006 Office Action, indicated that the filing of the RCE was not necessary. Therefore, it is respectfully requested that the fees for filing the RCE and the Petition for extension of time on June 6, 2006 be refunded.

Accordingly, it is respectfully requested, due to the USPTO delay and miscommunication, that the amount of \$ 1810.00 be refunded to Deposit Account No. 19-3935 and that the Patent Office acknowledge this credit in writing to the undersigned.

Respectfully submitted,

STAAS & HALSEY LLP

Date: April 16, 2008

By: 

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